

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

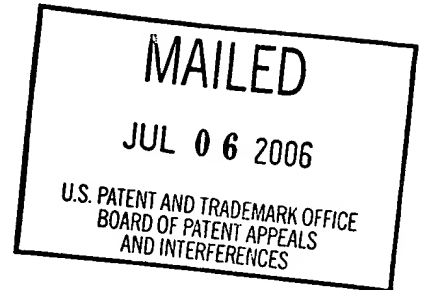
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAHIRO NAKANO,
TSUTOMU AKIYAMA,
TADAMASA KITSUKAWA
and SHIGEHARU KONDO

Application 09/839,000

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on June 7, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.



Application No. 09/839,000

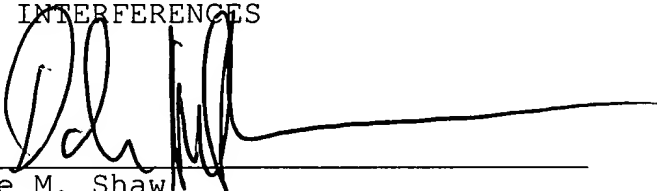
An Information Disclosure Statement (IDS) was filed on December 5, 2005. It is not apparent from the record that the examiner has considered the statement submitted nor notified applicants of why the submission did not meet the criteria set forth in 37 CFR § 1.197 and § 1.98.

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of this IDS and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



Dale M. Shaw
Deputy Appeals Administrator
(571) 272-9797

DMS/cam

Application No. 09/839,000

John L. Rogitz
Rogitz & Associates
750 B. Street, Suite 3120
San Diego, CA 92101